

REMARKS

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Claims 31, 32 and 48-53 Are Statutory Subject Matter under 35 U.S.C. § 101

The Examiner has rejected claims 31, 32 and 48-53 under 35 U.S.C. § 101 as directed to non-statutory subject matter at page 2 of the Office Action. Applicants respectfully traverse the rejections.

Claims 31 and 48 have been amended in order to call for a computer-readable medium having computer executable instructions that, when executed by a computer performs a task of directing delivery of information to a telephonic device of a called party. Support for the amendments to claims 31 and 48 may be found in at least paragraph [0033] of Applicants' application. Claims 31 and 48 thus recite material that is recorded on a computer-readable medium that is structurally and functionally interrelated to the medium and is therefore statutory. Applicants thus submit that claims 31 and 48 do not suffer from any §101 deficiencies as they are directed towards statutory subject matter. Further, claims 32 and 49-53 that depend from claims 31 and 48 likewise do not suffer from any §101 deficiencies since these claims likewise are directed towards statutory subject matter.

Claims 31, 32 and 48-53 Do Not Suffer From Any 35 U.S.C. § 112 Deficiencies

The Examiner has rejected claims 31, 32 and 48-53 on page 2 of the Office Action under 35 U.S.C. § 112, second paragraph, for failing to include a transitional phrase in claims 31 and 48. Applicants have amended claims 31 and 48 in order to incorporate the transitional phrase of "comprising" into these claims. Applicants thus request the § 112 rejections to claims 31 and 48 be removed. Also, Applicants request the § 112 rejections to claims 32 and 49-53 likewise be removed since they depend from claims that include the aforementioned transitional phrase.

Claims 1-17 Are Allowable

Claims 1-17 were rejected on page 4 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over United States Publication No. 2004/0032946 A1 (Koser et al.) in view of United States Publication No. 2004/0120505 A1 (Kotzin et al.). Applicants respectfully traverse the rejections.

The combination of Koser et al. and Kotzin et al. does not disclose a call indication method comprising informing the calling party that the custom ring information is being delivered to the called party, as recited in claim 1. Support for this claim amendment may be found in at least paragraph [0039] of Applicants' application.

The Office Action admits that Koser et al. fails to disclose receiving custom ring information from a calling party and points to Kotzin et al. to correct this deficiency. *Office Action*, page 4, paragraph 8. Kotzin et al. discloses a communication system for providing a voiced call alert for incoming calls. *Kotzin et al.*, paragraph [0001]. The user of a calling terminal may actuate a pull down menu onto a display 313 and record a voice alert for subsequent delivery. *Kotzin et al.*, paragraph [0027]. Alternatively, a prerecorded voiced alert stored in memory can be selected by the user from a plurality of prerecorded voiced alerts through the use of a keypad and menus on the display. *Kotzin et al.*, paragraph [0027]. An alert signal corresponding to the voiced alert can be received and acknowledged by the telephone equipment of the called party. *Kotzin et al.*, paragraph [0032] and Fig. 6. Subsequently, a call with the calling party can be conducted. *Kotzin et al.*, paragraph [0032] and Fig. 6.

In contrast to claim 1, the combination of Koser et al. and Kotzin et al. does not disclose a call indication method comprising informing the calling party that the custom ring information is being delivered to the called party. Koser et al. fails to disclose custom ring information from a calling party. Kotzin et al. simply discloses generating a prerecorded voiced alert and sending same to a called party without informing the calling party of the delivery of the prerecorded voiced alert. Nowhere does the combination of Koser et al. and Kotzin et al. disclose a call indication method comprising informing the calling party that the custom ring information is being delivered to the called party. Therefore, the combination of Koser et al. and Kotzin et al.

fails to disclose or teach the aforementioned element of claim 1. Applicants respectfully submit that a *prima facie* case of obviousness does not exist based on the combination of Koser et al. and Kotzin et al. since all of the elements of claim 1 are not found in the combination of references. Applicants respectfully request the rejection to claim 1 be withdrawn and submit that claim 1 is allowable.

Claims 2-17 depend from claim 1, which Applicants have shown to be allowable. Thus, claims 2-17 are allowable, at least by virtue of their dependency from claim 1.

Further, claim 17 is allowable for the additional reason that the combination of references does not disclose using the caller identification information to determine that the second called party does not want to receive the custom ring information. The Office Action states that this structure is found in paragraph [0117] of Koser et al. *Office Action*, page 8. Koser et al. discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information that the FlexRing subscriber has associated with the calling party. *Koser et al.*, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *Koser et al.*, paragraph [0117]. A determination that the called party does not want to receive the associated ring tone is not made in the reference. Koser et al. and Kotzin et al. do not disclose using the caller identification information to determine that the second called party does not want to receive the custom ring information. Hence, for this additional reason claim 17 is allowable.

Claims 18-25 Are Allowable

Claims 18-25 were rejected on page 4 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Koser et al. in view of Kotzin et al. Applicants respectfully traverse the rejections.

The combination of Koser et al. and Kotzin et al. does not disclose a ring tone delivery system wherein the interface is operable to send information to the calling party to inform the calling party that the selected ring tone is being delivered to the called party, as recited in claim

18. Support for this claim amendment may be found in at least paragraph [0039] of Applicants' application.

The Office Action admits that Koser et al. fails to disclose a calling party selected ring tone and points to Kotzin et al. to correct this deficiency. *Office Action*, page 8. Kotzin et al. discloses generating a prerecorded voiced alert and sending same to a called party without informing the calling party of the delivery of the prerecorded voiced alert. Kotzin et al., paragraph [0032], Fig. 6. Nowhere does the combination of Koser et al. and Kotzin et al. disclose a ring tone delivery system wherein the interface is operable to send information to the calling party to inform the calling party that the selected ring tone is being delivered to the called party. Therefore, the combination of Koser et al. and Kotzin et al. fails to disclose or teach the aforementioned elements of claim 18. Applicants respectfully submit that a *prima facie* case of obviousness does not exist based on the combination of Koser et al. and Kotzin et al. as all of the elements of claim 18 are not found in the combination of references. Applicants respectfully request the rejection to claim 18 be withdrawn and submit that claim 18 is allowable.

Claims 19-25 depend from claim 18, which Applicants have shown to be allowable. Thus, claims 19-25 are allowable, at least by virtue of their dependency from claim 18.

Further, claim 21 is allowable for the additional reason that the combination of references does not disclose a network node that is further operable to deliver packetized information across a cable network. The Office Action states that this structure is found in paragraph [0117] of Koser et al. *Office Action*, page 9. Koser et al. discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information that the FlexRing subscriber has associated with the calling party and returns the correct ring-tone, media, or URL. *Koser et al.*; paragraph [0117]. Koser et al. makes no mention of the network employed with the FlexRing database. Koser et al. and Kotzin et al. do not disclose a network node that is further operable to deliver packetized information across a cable network. Hence, for this additional reason claim 21 is allowable.

Further, claim 22 is allowable for the additional reason that the combination of references does not disclose a network node that is further operable to deliver packetized information across an xDSL network. The Office Action states that this structure is found in paragraph [0117] of Koser et al. *Office Action*, page 10. Koser et al. discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information that the FlexRing subscriber has associated with the calling party and returns the correct ring-tone, media, or URL. *Koser et al.*, paragraph [0117]. Koser et al. makes no mention of the network employed with the FlexRing database. Koser et al. and Kotzin et al. do not disclose a network node that is further operable to deliver packetized information across an xDSL network. Hence, for this additional reason claim 22 is allowable.

Further, claim 23 is allowable for the additional reason that the combination of references does not disclose a custom ring tone block list indicating that a second called party does not want to receive the calling party selected ring tone. The Office Action states that this structure is found in paragraph [0124] of Koser et al. *Office Action*, page 10. Koser et al. discloses a system in which if a ring-tone is not specified a default ring-tone may be used. *Koser et al.*, paragraph [0124]. Koser et al. and Kotzin et al. do not disclose a custom ring tone block list indicating that a second called party does not want to receive the calling party selected ring tone. Hence, for this additional reason claim 23 is allowable.

Claims 26-30 Are Allowable

Claims 26-30 were rejected on page 4 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Koser et al. in view of Kotzin et al. Applicants respectfully traverse the rejections.

The combination of Koser et al. and Kotzin et al. does not disclose a system comprising a graphical user interface element that is configured to inform the calling party that the call is being placed and that the selected ring tone is being delivered to the called party, as recited in claim 26. Support for this claim amendment may be found in at least paragraph [0039] and Fig. 3 of Applicants' application.

The Office Action admits that Koser et al. fails to disclose a ring tone selected by a calling party and points to Kotzin et al. to correct this deficiency. *Office Action*, page 8. In Kotzin et al., the user of a calling terminal may actuate a pull down menu onto a display 313 and record a voice alert for subsequent delivery. *Kotzin et al.*, paragraph [0027]. Alternatively, a prerecorded voiced alert stored in memory can be selected by the user from a plurality of prerecorded voiced alerts through the use of a keypad and menus on the display. *Kotzin et al.*, paragraph [0027]. Although a display can be used in generating the voiced alert, Kotzin et al. makes no mention of using a display to inform the calling party that the voiced alert is being delivered to the called party. Nowhere does the combination of Koser et al. and Kotzin et al. disclose a system comprising a graphical user interface element that is configured to inform the calling party that the call is being placed and that the selected ring tone is being delivered to the called party. Therefore, the combination of Koser et al. and Kotzin et al. fails to disclose or teach the aforementioned elements of claim 26. Applicants respectfully submit that a *prima facie* case of obviousness does not exist based on the combination of Koser et al. and Kotzin et al. as all of the elements of claim 26 are not found in the combination of references. Applicants respectfully request the rejection to claim 26 be withdrawn and submit that claim 26 is allowable.

Claims 27-30 depend from claim 26, which Applicants have shown to be allowable. Thus, claims 27-30 are allowable, at least by virtue of their dependency from claim 26.

Claims 31 and 32 Are Allowable

Claims 31 and 32 were rejected on page 4 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Koser et al. in view of Kotzin et al. Applicants respectfully traverse the rejections.

The combination of Koser et al. and Kotzin et al. does not disclose a computer-readable medium to inform the calling party that the selected ring tone is being output while the incoming call is being made, as recited in claim 31. Support for this claim amendment may be found in at least paragraph [0039] of Applicants' application.

The Office Action admits that Koser et al. fails to disclose a calling party selected ring tone and points to Kotzin et al. to correct this deficiency. *Office Action*, pages 12 and 13. Kotzin et al. discloses generating a prerecorded voiced alert and sending same to a called party without informing the calling party of the delivery of the prerecorded voiced alert. *Kotzin et al.*, paragraph [0032], Fig. 6. Nowhere does the combination of Koser et al. and Kotzin et al. disclose a computer-readable medium to inform the calling party that the selected ring tone is being output while the incoming call is being made. Therefore, the combination of Koser et al. and Kotzin et al. fails to disclose or teach the aforementioned elements of claim 31. Applicants respectfully submit that a *prima facie* case of obviousness does not exist based on the combination of Koser et al. and Kotzin et al. as all of the elements of claim 31 are not found in the combination of references. Applicants respectfully request the rejection to claim 31 be withdrawn and submit that claim 31 is allowable.

Claim 32 depends from claim 31, which Applicants have shown to be allowable. Thus, claim 32 is allowable, at least by virtue of its dependency from claim 31.

Claims 33-42 Are Allowable

Claims 33-42 were rejected on page 4 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Koser et al. in view of Kotzin et al. Applicants respectfully traverse the rejections.

The combination of Koser et al. and Kotzin et al. does not disclose a call indication method comprising informing the calling party that the custom ring information is being delivered with the call, as recited in claim 33. Support for this claim amendment may be found in at least paragraph [0039] of Applicants' application.

The Office Action admits that Koser et al. fails to disclose first custom ring information and points to Kotzin et al. to correct this deficiency. *Office Action*, pages 13 and 14. Kotzin et al. discloses generating a prerecorded voiced alert and sending same to a called party without informing the calling party of the delivery of the prerecorded voiced alert. *Kotzin et al.*, paragraph [0032], Fig. 6. Nowhere does the combination of Koser et al. and Kotzin et al.

disclose a call indication method comprising informing the calling party that the first custom ring information is being delivered with the call. Therefore, the combination of Koser et al. and Kotzin et al. fails to disclose or teach the aforementioned elements of claim 33. Applicants respectfully submit that a *prima facie* case of obviousness does not exist based on the combination of Koser et al. and Kotzin et al. as all of the elements of claim 33 are not found in the combination of references. Applicants respectfully request the rejection to claim 33 be withdrawn and submit that claim 33 is allowable.

Claims 34-42 depend from claim 33, which Applicants have shown to be allowable. Thus, claims 34-42 are allowable, at least by virtue of their dependency from claim 33.

Further, claim 34 is allowable for the additional reason that the combination of references does not disclose using the caller identification information to determine that the called party does not want to receive the first custom ring information. The Office Action states that this structure is found in paragraph [0117] of Koser et al. *Office Action*, page 7. Koser et al. discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information that the FlexRing subscriber has associated with the calling party. *Koser et al.*, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *Koser et al.*, paragraph [0117]. A determination that the called party does not want to receive the associated ring tone is not made in the reference. Koser et al. and Kotzin et al. do not disclose using the caller identification information to determine that the called party does not want to receive the first custom ring information. Hence, for this additional reason claim 34 is allowable.

Claim 37 is allowable for the additional reason that the combination of references does not disclose a method wherein the first custom ring information includes an advertisement. The Office Action states that this structure is found in paragraph [0107] of Koser et al. *Office Action*, page 7. Koser et al. discloses FlexRing Client 30 that can employ a web browser and that can be implemented on a personal computer. *Koser et al.*, paragraph [0107]. There is no disclosure of the ring tones as including or being advertisements. *Koser et al.*, paragraph [0107]. Koser et al.

and Kotzin et al. do not disclose a method wherein the first custom ring information includes an advertisement. Hence, for this additional reason claim 37 is allowable.

Claims 43-47 Are Allowable

Claims 43-47 were rejected on page 4 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Koser et al. in view of Kotzin et al. Applicants respectfully traverse the rejections.

The combination of Koser et al. and Kotzin et al. does not disclose a system comprising a graphical user interface element configured to inform the user that the select ring tone is being delivered to the called party, as recited in claim 43. Support for this claim amendment may be found in at least paragraph [0039] and Fig. 3 of Applicants' application.

The Office Action admits that Koser et al. fails to disclose a select ring tone and points to Kotzin et al. to correct this deficiency. *Office Action*, page 11. In Kotzin et al., the user of a calling terminal may actuate a pull down menu onto a display 313 and record a voice alert for subsequent delivery. *Kotzin et al.*, paragraph [0027]. Alternatively, a prerecorded voiced alert stored in memory can be selected by the user from a plurality of prerecorded voiced alerts through the use of a keypad and menus on the display. *Kotzin et al.*, paragraph [0027]. Although a display can be used in generating the voiced alert, Kotzin et al. makes no mention of using a display to inform the calling party that the voiced alert is being delivered to the called party. Nowhere does the combination of Koser et al. and Kotzin et al. disclose a system comprising a graphical user interface element configured to inform the user that the select ring tone is being delivered to the called party. Therefore, the combination of Koser et al. and Kotzin et al. fails to disclose or teach the aforementioned elements of claim 43. Applicants respectfully submit that a *prima facie* case of obviousness does not exist based on the combination of Koser et al. and Kotzin et al. as all of the elements of claim 43 are not found in the combination of references. Applicants respectfully request the rejection to claim 43 be withdrawn and submit that claim 43 is allowable.

Further, claim 43 is allowable for the additional reason that none of the cited references disclose the memory storing ring tone information representing the select ring tone and including an advertisement. Koser et al. discloses FlexRing Client 30 that can employ a web browser and that can be implemented on a personal computer. Koser et al., paragraph [0107]. There is no disclosure of the ring tones as including advertisements. Koser et al., paragraph [0107]. Koser et al. and Kotzin et al. do not disclose a system wherein the memory stores ring tone information representing the select ring tone and including an advertisement. Hence, for this additional reason claim 43 is allowable.

Claims 44-47 depend from claim 43, which Applicants have shown to be allowable. Thus, claims 44-47 are allowable, at least by virtue of their dependency from claim 43.

Claims 48-53 Are Allowable

Claims 48-53 were rejected on page 4 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Koser et al. in view of Kotzin et al. Applicants respectfully traverse the rejections.

The combination of Koser et al. and Kotzin et al. does not disclose a computer-readable medium sending a signal to inform the calling party that the call is being made with the associated selected ring tone, as recited in claim 48. Support for this claim amendment may be found in at least paragraph [0039] of Applicants' application.

The Office Action admits that Koser et al. fails to disclose a calling party selected ring tone and points to Kotzin et al. to correct this deficiency. *Office Action*, page 14. Kotzin et al. discloses generating a prerecorded voiced alert and sending same to a called party without informing the calling party of the delivery of the prerecorded voiced alert. Kotzin et al., paragraph [0032], Fig. 6. Nowhere does the combination of Koser et al. and Kotzin et al. disclose a computer-readable medium sending a signal to inform the calling party that the call is being made with the associated selected ring tone. Therefore, the combination of Koser et al. and Kotzin et al. fails to disclose or teach the aforementioned elements of claim 48. Applicants respectfully submit that a *prima facie* case of obviousness does not exist based on the

combination of Koser et al. and Kotzin et al. as all of the elements of claim 48 are not found in the combination of references. Applicants respectfully request the rejection to claim 48 be withdrawn and submit that claim 48 is allowable.

Claims 49-53 depends from claim 48, which Applicants have shown to be allowable. Thus, claims 49-53 are allowable, at least by virtue of their dependency from claim 48.

Further, claim 49 is allowable for the additional reason that the combination of references does not disclose using the caller identification information associated with the call to determine that the called party does not want to receive the first custom ring information. The Office Action states that this structure is found in paragraph [0117] of Koser et al. *Office Action*, page 7. Koser et al. discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information that the FlexRing subscriber has associated with the calling party. *Koser et al.*, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *Koser et al.*, paragraph [0117]. A determination that the called party does not want to receive the associated ring tone is not made in the reference. Koser et al. and Kotzin et al. do not disclose using the caller identification information associated with the call to determine that the called party does not want to receive the first custom ring information. Hence, for this additional reason claim 49 is allowable.

Further, claim 52 is allowable for the additional reason that the combination of references does not disclose computer-readable medium wherein the calling party selected ring tone includes an advertisement. The Office Action states that this structure is found in paragraph [0120] of Koser et al. *Office Action*, page 6. Koser et al. discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information the FlexRing subscriber has associated with the calling party. *Koser et al.*, paragraph [0120]. Nowhere is the ring-tone information disclosed as including an advertisement. Koser et al. and Kotzin et al. do not disclose a computer-readable medium wherein the calling party selected ring tone includes an advertisement. Hence, for this additional reason claim 52 is allowable.

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CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

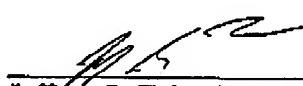
The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

11-7-2007

Date



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